

## REMARKS

Applicants respectfully request reconsideration and allowance for the above-identified application. Claims 1-12 and 20-30 remain pending, wherein claims 1 and 20 have been amended, 13-19 have been cancelled, and claims 31-38 have been withdrawn by this paper.

Initially Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent telephonic interviews held on July 25<sup>th</sup> and 27<sup>th</sup>. The claim amendments and arguments submitted in this paper are consistent with the amendments and arguments presented during the course of the interview. Applicants also note with appreciation the Examiner's indication that the application includes allowable subject matter and his acknowledgement of the references cited in the IDS submitted March 26, 2004.

The Office action made a restriction requirement under 35 U.S.C. § 121 to invention I (corresponding to claims 1-30, drawn to making and using a publishing and message server use licenses to perform actions on messages) and invention II (corresponding to claims 31-38, drawn to comparing message policies for compatibility). In accordance with the telephone conversation of January 12, 2006, Applicants hereby affirm the provisional election of claims related to group I (claims 1-30); and therefore the claims of group II (claims 31-38) have been withdrawn.

Next, the Office action rejects claims 1-6, 12-17, 20-23, and 29-30 under 35 U.S.C. § 102(e) as allegedly being anticipated U.S. Patent Application Publication No. 2005/0138353 to Spies et al. ("Spies"). Further, the Office action rejects claims 1-6, 12-17, 20-22 and 29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0007456 to Peinado et al ("Peinado"). Applicants respectfully traverse these grounds of rejection.<sup>1</sup>

The present invention is generally directed to distribution of protected messages in a rights management system. More specifically, the present invention solves the competing interests between the protection of distributed content and the rights of organizations to enforce their own policies on messages received in order to protect their infrastructure. As can be appreciated, the unfettered distribution and consumption of copyrightable and other sensitive subject matter can be protected through encryption and other techniques such as digital rights

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

management systems (RMS). Because messages whose access is controlled by RMS are typically encrypted from desktop to desktop, agents or servers have no access to the protected portions of the message. Accordingly, this prevents valuable operation or enforcement of policies (e.g., anti-virus scanning, anti-spam filtering, search term indexing, etc.) for organizations where the end-user resides within the network.

Accordingly, the present invention overcomes the above deficiencies of current RM systems by sending the protected message with two keys, a message server use license and a publishing license. The server of an organization can use the message server use license to gain access to the message to enforce its policies on the message; the end-user uses the publishing license to consume the content. Note that these licenses are separate in order to allow the content provider more control over such things as the rights that each entity has in consuming the protected content. For example, the content provider could limit the server to read only access, but give more rights to the end-user, or vise versa. Of course, there are any number of different restrictions and reasons for providing two licenses rather than a single license for accessing the content, and therefore the above example is for illustrative purposes only and is not meant to limit or otherwise narrow the scope of the claimed embodiments.

Claim 1 is directed towards some of the embodiments described above and recites a method of providing an entity the ability to enforce conditions under which the entity's message server will accept messages by providing the message server with a message server use license to access the protected message, while still controlling unauthorized access to the protected message by also providing a publishing license. In such method, data is received that includes a message with a protected portion, a publishing license, and a message server use license that is separate from the publishing license. Note the following: the protected portion of the message is controlled by a rights management server; the publishing license defines one or more principals' rights to the protected portion of the message; and the separate message server use license includes an encrypted key that corresponds to an entity's message server. Next, claim 1 actively recites accessing the protected portion of the message at the entity's message server using the message server use license for performing operations on the protected portion in accordance with message policies defined by the entity. Finally, claim 1 recites making the message and the publishing license available to the one or more principals when the protected portion of the message conforms to the message policies defined by the entity.

Claim 20 is directed towards a computer program product at the sending entity's message server within a rights management system and recites features that are patentably similar to claim 1.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render claim 1 and 20 unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims. More specifically, and as generally agreed to during the interviews, the cited art of record does not disclose or suggest the separate message server use license and the publishing license as claimed.

*Spies* discloses an identity-based-encryption message management system. Although *Spies* discloses a mechanism for virus scanning of encrypted content at a gateway, *Spies* allows for policy enforcement in a different manner than Applicants claim. More specifically, the gateway uses only a *single key* (i.e., a public-private key pair mechanism) to decrypt the content, which is then forwarded to an end-user within the organization. Accordingly, *Spies* cannot possibly disclose or suggest the separate message server use license and the publishing license as claimed. In fact, because *Spies* discloses using only a single key to enforce policies, Applicants respectfully submit that *Spies* teaches away from both Applicants' claimed invention and any combination with other references that discloses different mechanisms for enforcing policies on protected content.

*Peinado* discloses a secure processor architecture for use with a digital rights management system on a computing device. As agreed to in the interview, because *Peinado* is concerned with simple enforcement of digital rights management, but is silent with regards to enforcing policies on protected content received by a server, *Peinado* does not disclose or suggest the separate message server use license and the publishing license as claimed above. As such, neither *Spies* nor *Peinado* taken either individually or as a whole render Applicants' claimed invention unpatentable.

Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertion with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so.

All objections and rejections having been addressed, Applicants respectfully submit that the present application is in condition for allowance, and notice to this effect is earnestly solicited. Should any question arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at +1.801.533.9800.

Dated this 11th day of September, 2006.

Respectfully submitted,

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